

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

United States of America,

S1 13 Cr 0093 (AKH)

-against-

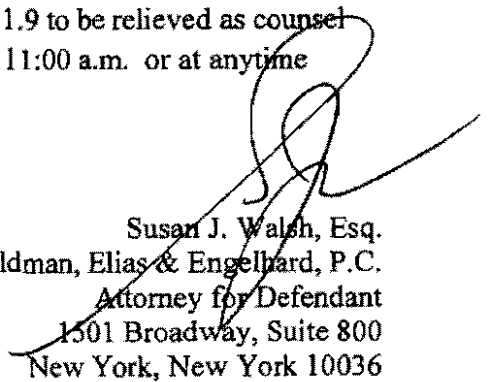
Notice of Motion

Petur Thor Agustsson,

Defendant.


PLEASE TAKE NOTICE

that upon the annexed declaration of Susan J. Walsh, Esq., attorney for the Defendant Petur Thor Agustsson, that the law firm of Vladeck Waldman Elias & Engelhard, P.C., by Susan J. Walsh, will move this Court pursuant to the New York Rules of Professional Conduct, Rules 1.16(b)(1); 1.7(a)(1); 1.6 and 1.9 to be relieved as counsel of record in the above captioned matter on May 3, 2013 at 11:00 a.m. or at anytime before or after set by this Honorable Court.

  
Susan J. Walsh, Esq.  
Vladeck, Waldman, Elias & Engelhard, P.C.  
Attorney for Defendant  
1501 Broadway, Suite 800  
New York, New York 10036  
212-403-7300  
[swalsh@vladeck.com](mailto:swalsh@vladeck.com)

Dated: April 29, 2013  
New York, New York

Office of the US Attorney for the SDNY  
Christopher DiMase, AUSA

*Substitute counsel having  
appeared, the motion  
is granted.*  
5-23-13  


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

United States of America,

S1 13 Cr 0093 (AKH)

-against-

Notice of Motion

Petur Thor Agustsson,

Defendant.

---

Susan J. Walsh, Esq., of Vladeck, Waldman, Elias & Engelhard, P.C. attorney of record for Petur Thor Agustsson, defendant in the above captioned matter hereby declares under penalty of perjury the following:

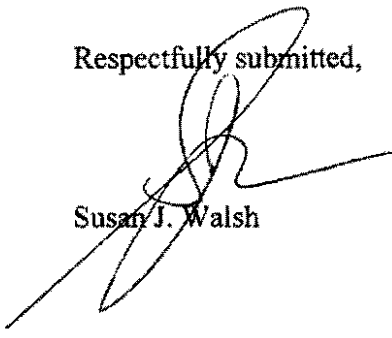
1. I am the attorney of record in the above captioned matter.
2. I make this declaration in support of the motion to withdraw and be relieved as counsel, pursuant to NY Rule of Professional Conduct 1.16(b)(1) because professional considerations require termination of the representation.
3. I was been privately retained to represent the Defendant on or about March 14, 2013.
4. This matter was indicted on February 14, 2013 and I have only appeared once at the first conference of this matter before Your Honor on March 15, 2013.
5. The case is still within the pre-trial discovery stage and no motions schedule or trial date has been scheduled as of yet.
6. During the course of my investigation of this matter it has come to my attention that there exists at least one conflict concerning present and former client(s) wherein the duties to preserve confidentiality (Rule 1.6 and Rule 1.9) and the duty of loyalty to this client are in direct conflict (Rule 1.7).

7. Unfortunately, continued representation in this matter will significantly compromise my ability to abide by the rules of Professional Conduct.
8. I have consulted the Rules of Professional Conduct and sought outside counsel with a concentration in Professional Ethics, Professor Ellen Yaroshefsky of Cardozo Law School, who has confirmed that in her professional opinion my continued representation will violate the Rules cited above. *See also, People v. Hall*, 46 N.Y.2d 873 (1979).
9. I have advised my client that I must withdraw due to professional considerations.
10. I am concerned that revealing additional information regarding the nature of this particular conflict, will itself violate the Rules of Professional Conduct.
11. Should the Court require further explication as to the nature of the conflict, I respectfully request that it only be conducted ex parte and in camera under seal.
12. I do not believe the client will be prejudiced by substitution of counsel at this time, but am concerned that my continued representation will be detrimental to his case, and potentially to other former client(s).

Accordingly, for the reasons set forth above, I respectfully request that I be permitted to withdraw from my representation of Mr. Agusstson in this matter and that the case be adjourned briefly for my client to find substitute counsel should he not already have one by May 3, 2013.

April 29, 2013

Respectfully submitted,



Susan J. Walsh